

PATENT

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED TO THE PATENT AND
TRADEMARK OFFICE VIA EFS-WEB ON

October 20, 2009

Date

/Allen W. Inks/
(signature)

Allen W. Inks

(TYPED OR PRINTED NAME OF PERSON SIGNING CERTIFICATE)

In re Application of:)	
EDWARD NELSON FULLER)	Group Art Unit: 3753
)	
Serial No.: 10/589,599)	Confirmation No.: 2696
)	
Filed: July 2, 2007)	Examiner: Andrew J. Rost
)	
For: HYBRID MICRO/MACRO)	Attorney Docket: 1-24872
PLATE VALVE)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97

Honorable Sir:

Applicants hereby submit an Information Disclosure Statement along with accompanying form PTO/SB/08a. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-198, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form PTO/SB/08a in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. X 37 CFR §1.97(B). This Information Disclosure Statement should be considered by the Office because:

_____ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under § 1.53(d);

- OR -

_____ (2) It is being filed within 3 months of entry of the national stage as set forth in § 1.491 in an international application;

- OR -

 X (3) It is being filed before the mailing of a first Office action on the merits;

- OR -

 (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

B. 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, **it is filed before** the mailing date of the earlier of (1) a Final Office action under §1.113, (2) a Notice of Allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

 (1) a Statement as specified in §1.97(e) provided concurrently herewith;

- OR -

 (2) a Fee of \$180.00 as set forth in §1.17(p), which is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

C. 37 CFR §1.97(d). Although this Information Disclosure Statement is **being filed after** the mailing date of the earlier of (1) a Final Office action under §1.113 or (2) a Notice of Allowance under §1.311, it is being filed **before payment of the issue fee** and should be considered because it is accompanied by:

i. a Statement as specified in §1.97(e);

-AND-

ii. a Fee of \$180.00, as set forth in §1.17(p), which is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. 37 CFR §1.97(e). *Statement.*

 (1) Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement;

- AND/OR -

 (2) No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this information disclosure statement.

- AND/OR -

 (3) A Copy of a dated communication on from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. §1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. _____ *Statement Under 37 C.F.R. §1.704(d).*

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.P.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. X 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

_____ (1) Copies of each of the references listed on the attached Form PTO/SB/08a are enclosed herewith.

- OR -

X (2) Copies of U.S. Patent Documents (issued patent and patent publications) listed on the attached Form PTO/SB/08a are NOT enclosed.

- AND/OR -

_____ (3) Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08a are enclosed herewith in accordance with 37 CFR §1.98(a)(2).

- AND/OR -

_____ (4) Copies of pending unpublished U.S. patent applications are enclosed herewith in accordance with 37 CFR §1.98(a)(2)(iii).

G. _____ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

_____ (1) Pursuant to 37 CFR § 1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

_____ (a) Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

- OR -

_____ (b) A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows:

_____ (2) Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. _____ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are **not provided** herewith because:

_____ (1) Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. §120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on _____

- AND -

_____ (2) The information disclosure statement submitted in the earlier application

complied with paragraphs (a) through (e) of 37 CFR §1.98.

I, X *Fee Authorization*. The Commissioner is hereby authorized:

i) to charge the above-referenced fees of \$ -0- ;

- AND -

ii) to charge any additional fees or credit any overpayment associated with this communication to Deposit Account 13-0005.

Respectfully submitted,

/Allen W. Inks/

Allen W. Inks

Reg. No. 37,358

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street, Toledo, Ohio 43604
419.255.5900
419.255.9639 (fax)